IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20102 of 2004

Between:

M/s Andhra Pradesh State Road Transport Corporation , Musheerabad, Hyderabad, rep. by its Deputy Chief Accounts Officer, K. Nageshwara Rao.

..... PETITIONER

AND

1 Assistant Commissioner (CT), LTU, Secunderabad Division, Secunderabad.
2 Appellate Deputy Commissioner (CT), Secunderabad Division, Hyderabad.
3 Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
4 Principal Secretary, Revenue Department, Government of Andhra Pradesh, Hyderabad.
5 M/s Reborn Motors, Door No. 76-14-226/4, Kanakadurga Street, Vijayawada, rep. by its Proprietor Sri M. Kungumam.
6 M/s Harban Singh, W-184, Mayapuri Phase-II,
New Delhi - 64, rep. by its Proprietor Harban Singh.
7 M/s Jai Shakti Automobiles, Door No. 76-14-226/4, Kanakadurga Street, Vijayawada, rep. by its Proprietor Sri A. Anguraj.
8 M/s Prakash Motor Stores, W-7, 73, Phase - II, Mayapuri, New Delhi, rep. by its Manager.
9 M/s Mahaboob Ali, 19-2-18/D/7, Misri Gunj,Hyderabad, rep. by its Proprietor Mahaboob Ali.
10 Additional Commissioner (CT) (L), Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus granting stay of collection of the disputed tax of Rs. 28,30,229/- arising in pursuance of the stay rejection order of the tenth respondent dated 11-8-2004 read with the assessment order dated 31-3-2003 for the assessment year 1999-00 (APGST) pending disposal of the appeal before the Sales Tax Appellate Tribunal.

Counsel for the Petitioner:MR.SKRISHNA MURTHY

Counsel for the Respondents: GP FOR COMMERCIAL TAXES

The Court at the stage of admission made the following :

ORDER: (per the Hon'ble Sri Justice Bilal Nazki)

Heard the learned counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

It appears that the petitioner's vehicle has been seized for violating the conditions of permit and for some other alleged offences. In the interest of justice, we dispose of this Writ Petition at this stage, directing release of vehicle subject to payment of tax due by the petitioner, without prejudice to his rights in the enquiry, and further subject to filing an undertaking to the effect that he shall not alienate or in any way encumber the vehicle.

Writ Petition is accordingly disposed of. No order as to costs.

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(BILAL NAZKI,J)

DATED:02-11-2004

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(S.ANANDA REDDY,J)

Note: Operative portion by wire

at party's costs.

(B/o.)

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To

1 The Assistant Commissioner (CT), LTU, Secunderabad Division, Secunderabad.
2 The Appellate Deputy Commissioner (CT), Secunderabad Division, Hyderabad.
3 The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
4 The Principal Secretary, Revenue Department, Government of Andhra Pradesh, Hyderabad.
5 Additional Commissioner (CT) (L), Andhra Pradesh, Hyderabad.

6 Two C.Cs. to the Government Pleader for Commercial Taxes, High Court of A.P., Hyderabad.(OUT)

7 Two C.D.copies.